IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

LOEVY & LOEVY,	)
	)
Plaintiff,	)
	)
v.	)
	)
BUREAU OF PRISONS,	)
	)
Defendant.	)

COMPLAINT

1. Plaintiff LOEVY & LOEVY brings this suit to overturn Defendant BOP's refusal to conduct a timely search and produce a copy of one clearly identified contract which was requested under the Freedom of Information Act almost a year ago.

PARTIES

2. The plaintiff in this case is LOEVY & LOEVY, a civil rights law firm headquartered in Chicago.

3. Defendant BOP is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552, with an office in Chicago, Illinois.

JURISDICTION AND VENUE

4. This case is brought under 5 U.S.C. § 552(a)(6)(c)(i) and presents a federal question conferring jurisdiction on this Court.

5. Venue is proper under 5 U.S.C. § 552(a)(6)(c)(i) because plaintiff is located in this district.

LOEVY & LOEVY'S FOIA REQUEST

6. On December 9, 2015, LOEVY & LOEVY used the BOP's online FOIA portal to request a copy of contract number DJB200064 between the BOP and Correctional Alternatives, Inc.

BOP'S IMPROPER DENIAL OF LOEVY & LOEVY'S FOIA REQUEST

7. On December 10, 2015, BOP responded by claiming that "exceptional circumstances exist" as the responsive documents "must be searched for and collected from a field office," are "expected to be voluminous," and "require consultation with at least one other agency with a substantial interest" in the request. BOP claimed that processing such "complex requests may take up to nine months." A true and correct copy of BOP's December 10, 2016 response is attached as Exhibit A.

8. From January 2016 to June 2016, LOEVY & LOEVY called BOP multiple times to request an update on the status of the request. Each time, LOEVY & LOEVY was told that the agency which holds the responsive records had not provided them to BOP.

9. On June 15, 2016, LOEVY & LOEVY submitted a written request for an update on its FOIA request. A true and correct copy of the June 15, 2016 facsimile is attached as Exhibit B.

10. After receiving no response, on July 6, 2016, LOEVY & LOEVY again requested an update on its FOIA request. A true and correct copy of the July 6, 2016 facsimile is attached as Exhibit C.

11. On July 7, 2016, BOP responded by resending its December 10, 2015 acknowledgement letter and provided no further information. A true and correct copy of the July 7, 2016 response is attached as Exhibit D.

12. On August 3, 2016, LOEVY & LOEVY requested another update from BOP. A true and correct copy of the August 3, 2016 facsimile is attached as Exhibit E.

13. To date, BOP has not responded to the August 3, 2016 facsimile.

14. On September 14, 2016, almost exactly nine months after its initial request was submitted, LOEVY & LOEVY requested that the Office of Information Policy conduct an administrative review on the basis that BOP's repeated failure to take action constituted a denial of its request. A true and correct copy of the September 14, 2016 appeal letter is attached as Exhibit F.

15. On November 14, 2016, the Office of Information Policy denied LOEVY & LOEVY's administrative appeal on the grounds that no adverse determination has yet been made by the BOP, and further relayed that the new estimated date of completion was May 7, 2017. A true and correct copy of the November 14, 2016 letter is attached as Exhibit G.

COUNT I – VIOLATION OF FOIA

16. The above paragraphs are incorporated herein.

17. Defendant BOP is an agency subject to FOIA.

18. The requested records are not exempt under FOIA.

19. Defendant BOP has refused to conduct a reasonably timely search for the records.

WHEREFORE, LOEVY & LOEVY asks the Court to:

i. Order BOP to produce the requested records;

ii. Award LOEVY & LOEVY attorney fees and costs; and

iii. Enter any other relief the Court deems appropriate.

RESPECTFULLY SUBMITTED,

/s/ Matthew Topic

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